

CITY OF DETROIT
BUILDINGS & SAFETY ENGINEERING DEPARTMENT

COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE, FOURTH FLOOR
DETROIT, MICHIGAN 48226
WWW.CI.DETROIT.MI.US

3/31/14
Date

Kevin Jones, Manager
BSEED Business License Center
2 Woodward Avenue, Ste 105
C.A.Y.M.C
Detroit, MI 48226

Southwest Metals Inc. / Fawaz
Business Name/Owner
BUS 2010-00432
Business License
8122 Fort St.
Street Address
Detroit, MI 48209

LETTER OF INTENT TO SUSPEND/REVOKE BUSINESS LICENSE

Re: Show Cause Hearing
Business License BUS 2010-00432
Hearing Case No.: 14-BLC- 19

In January 2014, The Buildings, Safety Engineering and Environmental Department, Business License Center(BLC) requested that the Scrap Iron and Metal Processor be suspended or revoked for the reasons listed in the attached Notice to Appear.

The City of Detroit, Buildings, Safety Engineering and Environmental Department BLC provided evidence that it will show proof that the business violated:

- Detroit City Code Section 30-1-16(a)(2)(c)(5)- Specified criminal activity (related to the selling and or receiving of stolen scrap metal)
- Detroit City Code Section 30-1-16(a)(2)f. That the business to be licensed, or currently licensed by the City, constitutes a specific hazard or threat to the peace, health, safety or welfare of the public.

The City of Detroit presented evidence showing that probable cause exists to suspend or revoke the business license. Pursuant to Detroit City Code Section 30-1-17(b), the licensee is hereby notified of the City of Detroit's intent to suspend or revoke the license for the reasons stated.

This matter is hereby scheduled for a pre-hearing conference on April 10, 2014 at 10am for a face to face conference, at the offices of the Buildings, Safety Engineering and Environmental Department, 418 Coleman A. Young Municipal Center, 2 Woodward Ave., Detroit, Michigan 48226.

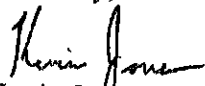
This matter is hereby scheduled for a Show Cause Hearing on April 22, 2014 at 1:00 pm at the offices of the Buildings, Safety Engineering and Environmental Department, 401 Coleman Young Municipal Center, 2 Woodward Ave., Detroit, Michigan 48226.

If the City of Detroit BSEED or the business owner requires a change of date or time of the pre-hearing conference or the Hearing, please contact BSEED Business License Center at (313) 224-3179.

Please note that due to reorganization, the Buildings, Safety Engineering and Environmental Department, Business License Center performs the function previously handled by the Consumer Affairs Department.

Please note also that the business owner shall be present at the pre-hearing conference and Show Cause Hearing, otherwise the business will be subject to closure.

Sincerely,



Kevin Jones, Manager
Business License Center

cc: Geni Gianotti, Interim Director, BSEED
City of Detroit Law Department

STATE OF MICHIGAN
CITY OF DETROIT
BUILDINGS, SAFETY ENGINEERING AND ENVIRONMENTAL DEPARTMENT

DATE: 3/31/14
Southwest Metals, Inc / Fawaz
Business/Owner

Business License BUS 2010-00432 CASE NO.: 14-BLC- 19
8122 Fort St
Street Address
Detroit, MI 48209

NOTICE TO APPEAR

Before the City of Detroit, Buildings Safety Engineering and Environmental Hearing Officer

On March 31, 2014

PRESENT: RICHARD J. BOWERS, JR
Hearing Officer

THIS MATTER HAVING COME before the City of Detroit, Buildings Safety Engineering & Environmental Department, Show Cause Hearings Division, upon the City of Detroit's request for a Show Cause Hearing, and the Hearing Officer having been advised:

WHEREAS, The City of Detroit presented evidence amounting to probable cause that the business operation is in violation of the following:

- Detroit City Code Section 30-1-16(a)(2)(c)(5)- Specified criminal activity (related to the selling and or receiving of stolen scrap metal)
- Detroit City Code Section 30-1-16(a)(2)f- That the business to be licensed, or currently licensed by the City, constitutes a specific hazard or threat to the peace, health, safety or welfare of the public.

WHEREAS, this Notice to Appear is notice of the City of Detroit's intention to suspend or revoke the scrap iron & metal processor license

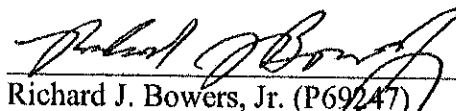
IT IS ORDERED that the City of Detroit, Buildings Safety Engineering and Environmental Department, Business License Center and its representatives and the owner(s) of the business shall come before this Hearing Officer on:

April 10, 2014 at 10 am for a face to face pre-hearing conference at the offices of the Buildings, Safety Engineering and Environmental Department, 418 Coleman A. Young Municipal Center, 2 Woodward Ave., Detroit, Michigan 48226.

IT IS FURTHER ORDERED that the City of Detroit, Buildings Safety Engineering and Environmental Department, Business License Center and its representatives and the owner(s) of the business shall come before this Hearing Officer on:

April 22 at 1 pm at the offices of the Buildings, Safety Engineering and Environmental Department, 401 Coleman Young Municipal Center, 2 Woodward Ave., Detroit, Michigan 48226 for a Show Cause hearing to provide evidence and to show good cause as to:

Whether the business license for Southwest Metals Inc at 8122 Fort St. should be suspended or revoked pursuant to Chapter 30 of the Detroit City Code.



Richard J. Bowers, Jr. (P69247)
Administrative Hearing Officer
City of Detroit
Buildings, Safety Engineering and Environmental
Department

JACKET # 13GA030

CASE # 1305050069

DETROIT POLICE DEPARTMENT

INVESTIGATOR'S REPORT

DATE: 05-06-2013

IN CUSTODY		DEFENDANT NAME	ADDRESS WITH ZIP	AGE	SEX	RACE	D.O.B.	IDENT. NO.
YES	NO	CODE						
	XX	1. Joe Ali Fawaz 7 Shady Hallow Dearborn Mi 48124 (aka Joseph Ali Fawaz)	3052820	48	M	W	01-19-1965	
	XX	2. Kevin Leigh Baatz 7061 Birchdale Romulus Mi 48174		34	M	W	12-02-1978	
	XX	3. Michael Yazback 4853 Westland Dearborn Mi 48126		48	M	W	07-17-1965	
	XX	4. Scott James Shillair 7061 Birchdale Romulus Mi 48174		33	M	W	12-17-1979	

OFFENSE (TO BE FILLED IN BY PROSECUTOR)

See Attached

TIME	DATE OF OFFENSE	PLACE OF OFFENSE	DATE OF COMPLAINT	COURT FILE NUMBER	JACKET NUMBER
8:34a & 8:07a	5-6-2013 & 5-8-2013	8122 W Fort	10-2-13		13GA030

COMPLAINANT'S NAME	1 Energy Plaza DETROIT, MICHIGAN	SEX	AGE	D.O.B.	RACE	RELATION TO DEF.
DTE Energy						

OTHER PENDING CHARGES	COMPLAINANT'S PHONE
	313-235-7733

PERSON TO SIGN

ASSISTANT PROSECUTING ATTORNEY

John Robert 4/4/075

During the month of May 2013 DTE Energy reported several break-ins at Walker Substation 285 Walker Street and St. Louis Substation 6211 East Nevada. During these break-ins copper and brass material was stolen. This material is described as "jumpers". The jumpers are clearly labeled with the subsequent substation on each jumper.

On May 8, 2013 in the late morning hours, DTE Energy Corporate Security Investigator Derek Hassan issued a Theft Alert for the jumpers described above. In the Theft Alert, Hassan included two clear photographs of the jumpers and added a further description of the material, explaining the "rash of thefts" and that the "ends are made of brass".

On May 9, 2013 at approximately 12:20pm (more than 24 hours after the Theft Alert had been issued) Hassan arrived at Southwest Metals located at 8122 W Fort Street holding one of the jumpers in his hand, with the intention of showing employees at Southwest Metals a sample of the material. Upon arrival he encountered a female employee who he asked for the owner, Joe Fawaz. The employee proceeded to call Fawaz on the phone. While waiting, Hassan decided to approach the General Manager, defendant Michael Yazback, (known to Hassan as "Moo Moo") who was nearby working one of the scales. Hassan observed defendant Yazback look in his direction, but Yazback avoided eye contact as Hassan approached. As Hassan got closer, defendant Yazback continued to ignore him. Hassan had to ask for defendant Yazback's attention. Hassan, suspecting Yazback had observed the jumper in his hand and knew the reason for his visit, decided to tell defendant Yazback he was at the location to retrieve his jumpers, instead of asking if the defendant has seen the jumpers. Once gaining Yazback's attention Hassan held the jumper in the air and stated "I am here to retrieve my jumpers". Hassan described defendant Yazback's reaction to the request as "dejected" and then said defendant Yazback led him to the back of the business (or east side) where the items at Southwest Metals are placed on "tag and hold". On the way to the rear of the business Hassan observed defendant Fawaz, who appeared extremely nervous and proceeded to the front office area walking past Hassan. Defendant Yazback looked around the area, then told Hassan he would need a hi-lo to retrieve the material. Hassan asked defendant Yazback if he knew who had sold the material, and Yazback nodded yes, then left Hassan to retrieve the seller's information and get a hi-lo. Hassan began looking for the material in the tag and hold area, and couldn't locate any bins containing the jumpers. Defendant Fawaz reappeared and began making small talk with Hassan, showing Hassan the Theft Alert Hassan had issued on his I-Phone. Hassan asked Fawaz why he failed to call him in regards to the Theft Alert. Defendant Fawaz did not answer him. Hassan was eventually led to the north side of the building, outside the warehouse, where he found the DTE Energy jumpers with the plastic and brass ends, which are labeled "Walkr Substa" and "StLus Substa" and also contain a bar code or serial number. Hassan did not see the solid brass ends inside the bin and the bin did not contain a tag describing the seller of the material (it should be noted that the "tag and hold" area at Southwest Metals is located inside the warehouse at the east side of the building, not outside on the north side of the building). Hassan asked defendant Fawaz about the solid brass ends and Fawaz led him to a box.

[Signature]
 (SIGNATURE OF INVESTIGATING OFFICER)
 Sergeant Rebecca McKay #5207

REVIEWED AND
 APPROVED BY

(Signature of Commanding Officer)

District or Bureau

WAYNE COUNTY
PROSECUTING ATTORNEY'S
RECOMMENDATION

DETROIT
DEPARTMENT
POLICE

<input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> FELONY		IN CUSTODY? NO		PRECINCT (DETROIT) G.A.U.		DATE 5-6-2013	
<input type="checkbox"/> DENY <input type="checkbox"/> RECOMMEND THE ISSUING OF A WARRANT AGAINST:		NAME		AGE	SEX	RACE	D.O.B.
		ADDRESS					IDENT. NO.
1. Joe Ali Fawaz 7 Shady Hallow Dearborn Mj 48124				48	M	W	01-19-1965
2. Kevin Leigh Baatz 7061 Birchdale Romulus Mi 48174				34	M	W	12-02-1978
3. Michael Yazback 4855 Westland Dearborn Mi 48126				48	M	W	07-17-1965
4. Scott James Shillair 7061 Birchdale Romulus Mi 48174				33	M	W	12-17-1979
OFFENSE (TO BE FILLED IN BY PROSECUTOR)						TAPES NUMBER	
<i>See Attached</i>							
SECTION (TO BE FILLED IN BY PROSECUTOR)						PAGE NUMBER	
COMPLAINANT'S NAME		ADDRESS		CITY		STATE	
City of Detroit				Detroit		Michigan	
INSTRUCTIONS				SIGNED			
<i>Attached</i>				<i>Alan N. N. 44075</i>			
D.P.O. 467C				C of D-273-RE			
				ASSISTANT PROSECUTING ATTORNEY			

Page TWO

Name of

Defendant #1 only Joe Ali Fawaz

Offense No. _____

Date of Complaint: 10-2-13

DETAILS OF INVESTIGATION (Continued)

which contained the material. Defendant Fawaz then told Hassan that he would get the rest of the material for him. Hassan was voluntarily given over 2,000 pounds of insulated wire and brass that had been purchased by Southwest Metals from a peddler by the name of DeAnthony Richardson, BM 19. Richardson was not a licensed contractor and was not required to provide any documentation for the transactions involving the DTE Energy jumpers.

On May 24, 2013 defendant Fawaz was interviewed by Detroit Police Officer Joe Burton of the General Assignment Unit in regards to the sale of the jumpers. Fawaz stated in this interview that the Southwest Metals purchased the material on May 8, 2013 at approximately 8:00am and Hassan's Theft Alert was issued at 11:30am. Fawaz went on to say that the seller, DeAnthony Richardson returned two or three days later with the same material and Fawaz turned him away. Fawaz stated that Southwest Metals has purchased the same material from Richardson on 8 to 10 other occasions and Richardson was paid \$1,000 to \$1,600 on each occasion.

On May 24, 2013, defendant Baatz was interviewed by Officer Burton. Defendant Baatz admits to purchasing jumpers from Richardson. Baatz referred to the material that he purchased from Richardson as "copper wire" in his statement (even as the material is clearly more than mere copper wire). When asked if the material had any markings on it, Baatz replied that it has "Retest markings, but no ID" (the wire is marked "retest" and next to the word "retest" is the substation label and a bar code or serial number). Baatz stated that he asked Richardson where he had obtained the material and Richardson told him he obtained the material from a "demo job" (no further inquiry was made). Baatz admits to purchasing the material on at least two occasions.

In August 2013, Detroit Police Sergeant Rebecca McKay was transferred back to the General Assignment Unit after being assigned elsewhere since February 2013. In late August Sergeant McKay was made aware of the above described chain of events and reopened the case to pursue charges against the above named individuals who participated in the purchase and concealing of the DTE Energy property.

On September 30, 2013 Sergeant McKay reviewed the case file for DeAnthony Richardson. Sergeant McKay noted that the jumpers represented in the photographs taken by Investigator Hassan are an item not commonly found in a scrap yard. In fact the material is so different, it would take an inspection of the material to know exactly what it consists of. The long cable is clearly marked "jumper cable" and some cables are sheathed with bright red covering and others with black. Also connected to the ends of the long cables are plastic and brass ends. The plastic ends are labeled with "STLUS SUBSTA 39 IN JUMPERS . RETEST 2018" and "WALKR SUBSTA 10 FT JUMPERS . RETEST 2017" (the size and year of retest may vary). A bar code with a serial number can be found under the labels. The year reflected on the cables show the material is not old or outdated, and to the lay person probably still in use by some entity, in this case, DTE Energy. Sergeant McKay confirmed the significance of the date as the next time the jumper needs calibration.

Sergeant McKay also reviewed video of the sales transactions that took place at Southwest Metals on May 6, 2013 and May 8, 2013.

- On May 6, 2013 defendant Shillair is working the scale and assists Richardson and another BM accomplice in loading the material into a bin on the scale. The plastic end caps with the identifying markings are connected and there are numerous jumpers weighed. On this date defendant Yazback can be seen working the ferrous scale confirming his presence on this day.
- On May 8, 2013 defendant Baatz is working the scale and assists Richardson and the same BM accomplice in loading the material onto the scale. Baatz appears to unscrew one of the brass ends from the plastic end cap (with the identifying markings) of one of the jumpers during this process, probably pointing out that the ends are brass (which would constitute a different price).

On September 30, 2013 Sergeant McKay with Detroit Police Officer Tommy Bell of the General Assignment Unit went to Southwest Metals to talk to defendant Fawaz in regards to the purchasing of the substation jumpers (the conversation was audio recorded). Upon arrival Fawaz waived the officers down signaling for them to come into the non ferrous scale area. Sergeant McKay began asking questions in regards to the substation material. Defendant Fawaz immediately became nervous and his face

became flushed. Fawaz would continue to repeat that the case involving these jumpers was over, that he had been to court already and everything. Fawaz continued to tell Sergeant McKay that he didn't remember the details of the situation. Fawaz continued to try to divert the conversation to implicate his scale operators in the purchase of the material. When he was asked if he knew the material was on his premises after it was purchased, he admitted that he in fact did know the material was on his premises, but failed to call police. Sergeant McKay asked him why he did not call the police when the Theft Alert was issued, and Fawaz would respond by saying he didn't receive the Theft Alert until later in the day. Sergeant McKay told Fawaz that she knows he receives the Theft Alerts on his cell phone and his cell phone remains on his person. Sergeant McKay explained that he had received the Theft Alert more than 24 hours prior to Hassan's arrival at the business on May 9, 2013. Sergeant McKay pulled the photographs out and pointed out the clearly labeled markings on the jumpers to defendant Fawaz and he responded by saying "this stuff shouldn't have been bought. I wouldn't have bought this." When he was asked if he frequently checks his yard, he admitted he does, but then blamed the scale operators for the actual purchase of the material. Defendant Fawaz was asked repeatedly how the same material with the same markings could have been purchased on 8 to 10 different occasions without any red flags going up (the material would've sat in the yard for seven days on "tag and hold" if Fawaz was properly holding the material). Fawaz would continue to divert attention away from him and blame the scale operators (the same scale operators who are still currently employed by Fawaz at Southwest Metals). Fawaz claimed he tagged and held the material and that he has another "tag and hold" area outside on the north side of the building (it should be noted that Sergeant McKay has never known Southwest Metals to store tag and hold items outside, that she has never seen tags on any items located outside, and Hassan indicated he did not see any tags on the material when he found it at the yard on May 9, 2013). Fawaz would admit that he is at Southwest Metals everyday and that he did observe the material on the premises after it was purchased, but continued to state that "I didn't purchase the material". Fawaz would continue to say that no where on the wire was there a label, "DTE", so he would have no way of knowing it was DTE's material. Fawaz would admit that his scale operators are an extension of him, but continued to say "I didn't buy it".

WITNESSES

Derek Hassan (civilian) DTE Energy Investigator will testify to the ongoing investigation, to break-ins and thefts of DTE Energy Substation jumpers, to issuing a Theft Alert, to receiving no calls from defendant Fawaz, to encountering the General Manager, defendant Yazback who led Hassan to the material outside at the north end of the business, to Fawaz arriving and providing receipts and video. **Detroit Police Officer Carmen Diaz (3314/NE)** will testify to the substation break in reported on May 5, 2013.

Detroit Police Officer Jennifer Brunson (TCRU) will testify to the substation break in reported on May 6, 2013 at Walker Substation.

Detroit Police Officer Catherine Zakens (2661/NE) will testify to the substation break in reported on May 8, 2013 at Walker Substation.

Detroit Police Officer Frank McCord (3424/NE) will testify to the substation break in reported on May 8, 2013 St. Louis Substation.

Detroit Police Officer Joe Burton (Narco/2176) will testify to the original statement taken from Fawaz.

Detroit Police Officer Tommy Bell (1602/GAU) will testify to the interview with Joe Fawaz on September 30, 2013.

Sergeant Rebecca McKay (S397/GAU) will testify to the interview with Fawaz on September 30, 2013, to reviewing the case and reopening same and conducting the investigation in to Southwest Metals.

Count	Δ	Charge
1	1,2+3	Conspiracy Buy Stolen Non Ferrous Metal [445.4332(c)] 1) a 2) MCL 445.433(2) - Buy Stolen Non-Ferrous Metal
2	1,2+3	Conspiracy RCSP 1,000-20,000 [750.5353A(c)] 1) a 2) MCL 750.535(3)(a) STOLEN Property - RECEIVING & CONCEALING - \$1,000 or more but less than \$20,000
3	1	RCSP 1,000-20,000 [750.5353A] Substation Jumper Cables
4	2	
5	3	
6	2	Buy Stolen Non Ferrous Metal [445.4332] Substation Jumper Cables
7	3	
8	1	HAB. 4 769.12 Attacked
9	3	HAB. 2 769.10 Attacked

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REGISTER OF ACTIONS

CASE No. 13719345-02

State of Michigan v Kevin Leigh Baatz

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REGISTER OF ACTIONS

CASE NO. 13719345-01

State of Michigan v Joe Ali Fawaaz

Case Type: Noncapital Felonies
 Date Filed: 10/02/2013
 Location: 36 District Court, Detroit
 Case Tracking Number: 13719345-01
 CRISNET/Incident No.: 1305060069

RELATED CASE INFORMATION

Related Cases
 13719345-02 (Co Defendant)
 13719345-03 (Co Defendant)

PARTY INFORMATION

Defendant	Fawaaz, Joe Ali	Male White DOB: 01/19/1965	Lead Attorneys Attorney Unreported Retained
Plaintiff	State of Michigan		Dennis M. Doherty (313) 967-6851(W)

CHARGE INFORMATION

Charges: Fawaaz, Joe Ali	Statute	Level	Date
1. Buy/Sell Stolen Non Ferrous Metals-1st Offense (Conspiracy)	4454332	-	05/06/2013
2. Stolen Property - Receiving and Concealing -\$1,000.00 or More But Less Than \$20, (Conspiracy)	7505353A	.	05/06/2013
3. Stolen Property - Receiving and Concealing -\$1,000.00 or More But Less Than \$20,	7505353A	.	05/06/2013

EVENTS & ORDERS OF THE COURT

	OTHER EVENTS AND HEARINGS
10/02/2013	Recommendation for Warrant

Location : Criminal Cases Web Access Instruction Manual

CASE No. 13719345-03

State of Michigan v Scott James Shillair

Case Type: **Noncapital Felonies**
Date Filed: **10/02/2013**
Location: **36 District Court, Detroit**
Case Tracking Number: **13719345-03**
CRISNET/Incident No.: **1305050069**

RELATED CASE INFORMATION

Related Cases

13719345-01 (Co Defendant)
13719345-02 (Co Defendant)

PARTY INFORMATION

Defendant **Shillair, Scott James**

Male White
DOB: 12/17/1979

Lead Attorneys
Attorney Unreported
Retained

Plaintiff State of Michigan

Dennis M. Doherty
(313) 967-6851(W)

CHARGE INFORMATION

Charges: Shillair, Scott James

	Statute	Level	Date
1. Buy/Sell Stolen Non Ferrous Metals-1st Offense (Conspiracy)	4454332	.	05/06/2013
2. Stolen Property - Receiving and Concealing -\$1,000.00 or More But Less Than \$20, (Conspiracy)	7505353A	.	05/06/2013
3. Stolen Property - Receiving and Concealing -\$1,000.00 or More But Less Than \$20,	7505353A	.	05/06/2013
4. Buy/Sell Stolen Non Ferrous Metals-1st Offense	4454332	.	05/06/2013

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS

10/02/2013	Recommendation for Warrant
10/02/2013	Habitual Offender